

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mac Muir	Team: Squad #2	CCRB Case #: 201702185	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/15/2017 11:00 PM	Location of Incident: Grand Concourse and East 168th Street	Precinct: 44	18 Mo. SOL 9/15/2018	EO SOL 9/15/2018	
Date/Time CV Reported Thu, 03/16/2017 6:00 PM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Wed, 03/22/2017 12:24 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Miroslav Maric	02674	932957	044 PCT
2. POF Jeymi Montas	10624	949353	044 PCT
3. POM Anthony Cassase	28721	952553	044 PCT
4. POM Harris Haskovic	27534	953953	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Miroslav Maric	Abuse: Sergeant Miroslav Maric stopped the vehicle in which § 87(2)(b) was an occupant.	
B.SGT Miroslav Maric	Abuse: Sergeant Miroslav Maric searched the vehicle in which § 87(2)(b) was an occupant.	
C.POM Anthony Cassase	Abuse: Police Officer Anthony Cassase searched the vehicle in which § 87(2)(b) was an occupant.	
D.SGT Miroslav Maric	Abuse: Sergeant Miroslav Maric frisked § 87(2)(b)	
E.POM Anthony Cassase	Abuse: Police Officer Anthony Cassase frisked § 87(2)(b)	
F.SGT Miroslav Maric	Abuse: Sergeant Miroslav Maric searched § 87(2)(b)	
G.POM Anthony Cassase	Abuse: Police Officer Anthony Cassase searched § 87(2)(b)	
H.POM Anthony Cassase	Discourtesy: Police Officer Anthony Cassase spoke discourteously to § 87(2)(b)	
I.POM Harris Haskovic	Discourtesy: Police Officer Harris Haskovic spoke discourteously to § 87(2)(b)	
J.POM Anthony Cassase	Abuse: Police Officer Anthony Cassase refused to provide his name and shield number to § 87(2)(b)	
K.POM Harris Haskovic	Abuse: Police Officer Harris Haskovic refused to provide his name and shield number to § 87(2)(b)	
L.POF Jeymi Montas	Abuse: Police Officer Jeymi Montas refused to provide her name and shield number to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On March 16, 2017, § 87(2)(b) filed this complaint in person at the 44th Precinct Stationhouse. On March 17, 2017, the complaint was received by the Internal Affairs Bureau (IAB). On March 22, 2017, the complaint was received by the Civilian Complaint Review Board (CCRB).

At approximately 11:00 p.m. on March 15, 2017, § 87(2)(b) was driving southbound on the Grand Concourse in the Bronx when he was pulled over in the vicinity of East 168th Street by an unmarked police vehicle containing Sergeant Miroslav Maric, Police Officer Jeymi Montas, Police Officer Harris Haskovic, and Police Officer Anthony Cassase of the 44th Precinct (**Allegation A**). Police Officer Cassase asked § 87(2)(b) for his driver's license and registration, which he provided. Police Officer Cassase asked § 87(2)(b) to step out of his vehicle three times and § 87(2)(b) complied. Police Officer Cassase reached into § 87(2)(b)'s vehicle, took the keys out of the ignition, and pressed the button to open the trunk (**Allegation B and C**). Police Officer Cassase then frisked and searched § 87(2)(b) (**Allegations D, E, F and G**). As the frisk and search were taking place, § 87(2)(b) observed Sergeant Maric enter and search his vehicle (**within Allegation B**). § 87(2)(b) told the officers that he had been going home to, among other things, "fuck [his] wife." Police Officer Cassase allegedly replied, "That's some typical man shit," and Police Officer Haskovic repeated a variation of Police Officer Cassase's statement while still using the word 'shit.' (**Allegations H and I**). § 87(2)(b) told the officers that he had a sister and a female friend who were police officers within the 44th Precinct. Police Officer Haskovic replied, "You fucked her too?" (**within Allegation I**). § 87(2)(b) told Police Officers Cassase, Haskovic, and Montas that he wanted their names and shield numbers before they left. Shortly thereafter, Police Officer Cassase handed § 87(2)(b) his license, registration, and car keys. § 87(2)(b) again requested Police Officer Haskovic, Police Officer Cassase, and Police Officer Montas' name and shield numbers. The officers got into their vehicle and none of them provided their names and shield numbers (**Allegations J, K, and L**). § 87(2)(b) was not issued a summons and the officers drove away without taking any further action. The stop lasted for approximately twenty minutes. § 87(4-b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

No video footage was found for this case.

Mediation, Civil and Criminal Histories

- § 87(2)(b) was presented with and refused § 87(2)(b).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As per the Comptroller's Office, a Notice of Claim has been filed in regards to the incident (Board Review 12). § 87(2)(b) is claiming that he was humiliated and suffered from emotional distress. § 87(2)(b) is seeking \$50,000.00 in recompense.

Civilian and Officer CCRB Histories

- This is the second CCRB case involving § 87(2)(b) (Board Review 02). § 87(2)(b)
- Sergeant Maric has been a member of the NYPD for thirteen years and has seven previous allegations with in four cases with one substantiated allegation.
 - In CCRB Case #200701549, then-Police Officer Maric and Sergeant Gregory Pekera of Manhattan North Patrol Borough pulled over three civilians. A series of discourtesies were alleged against Sergeant Pekora, who searched and frisked two civilians. Then-Police Officer Maric allegedly threatened the employment status of the third civilian, then frisked and allegedly searched him. Sergeant Pekera searched the interior of the vehicle. Sergeant Pekera and then-Police Officer Maric left without issuing a summons. Vehicle stop and discourtesy allegations against Sergeant Pekora were unsubstantiated. Frisk, search, vehicle search, and property damage allegations against Sergeant Pekora were substantiated. A search allegation and an allegation that then-Police Officer Maric threatened a civilian's employment status were unsubstantiated. A frisk allegation against then-Police Officer Maric was substantiated. In that case, then-Police Officer Maric was interviewed sixty-four days after the incident and was able to recall it in complete detail.
 - In CCRB Case #201703393, which is an open investigation, Sergeant Maric is alleged to have stopped a vehicle, spoken discourteously, frisked a person, searched a vehicle, gestured discourteously, and used racially offensive language. Video footage of the incident shows Sergeant Maric stopping the vehicle, frisking the driver, and searching the vehicle.
- Police Officer Haskovic has been a member of the NYPD for four years and has two previous allegations in one case with two substantiated allegations.
 - In CCRB Case #201406199, Police Officer Haskovic was with a group of officers who stopped a vehicle. Police Officer Haskovic frisked and searched the driver. A frisk allegation and a search allegation were substantiated against Police Officer Haskovic. In that case, Police Officer Haskovic was interviewed one hundred and four days after the incident and was able to recall it in complete detail.
 - As stated above, CCRB Case #201703393 is an open investigation. Within it, Police Officer Haskovic is alleged to have stopped a vehicle and to have frisked and searched an individual. Video footage shows Police Officer Haskovic stopping the vehicle and frisking and searching a passenger.
- Police Officer Cassase has been a member of the NYPD for four years and has one allegation in one case with no substantiated allegations. The previous allegations do not indicate a pattern applicable to this case. In his one full CCRB case, Police Officer Cassase was interviewed fifty-five days after the incident and was able to recall it in complete detail.
- Police Officer Montas has been a member of the NYPD for six years and has one allegation in one case with no substantiated allegations. § 87(2)(g)

Potential Issues

- All of the subject officers' memo books reflect that they stopped § 87(2)(b) and each of their respective entries provided some explanation of why the vehicle stop was conducted. However, none of the officers could recall any information about that particular incident or any other event that occurred on the date of the incident. The officers were interviewed forty-two, forty-three, forty-eight, and forty-nine days after the incident.
- § 87(2)(b)
- Despite recurring attempts to contact him, the investigation was unable to follow-up with § 87(2)(b) after he agreed to provide photographs of his vehicle via email.

Findings and Recommendations

Explanation of Subject Officer Identification

- Sergeant Miguel Sanchez of the 44th Precinct, with whom § 87(2)(b) filed his complaint at the stationhouse, identified Sergeant Maric, Police Officer Haskovic, Police Officer Cassase, and Police Officer Montas as the subject officers and noted their names and assignments on the Civilian Complaint Report Form that § 87(2)(b) completed at the 44th Precinct stationhouse on March 16, 2017 (Board Review 03). The subject officers' memo book entries were attached to this complaint when it was received from IAB (Board Review 03). All four subject officers' memo books indicate that at 11:00 p.m. on March 15, 2017, they stopped a vehicle with license plate #§ 87(2)(b) at the intersection of Grand Concourse and 169th Street in the Bronx. Sergeant Maric, Police Officer Montas, and Police Officer Haskovic indicated that the vehicle had an obstructed view and tints, and that the driver was warned and admonished. § 87(2)(b) stated that his vehicle was a red 2007 Chevrolet Impala with tints that was registered in a friend's name. A DMV Search revealed that the vehicle associated with license plate #§ 87(2)(b) is a red 2007 Chevrolet (model unknown), registered to a § 87(2)(b) of the Bronx (Board Review 04). § 87(2)(b) stated that he was stopped by an unmarked black Ford Taurus or Fusion. The officers were driving in an unmarked black Ford Fusion.

§ 87(2)(b) described three male officers and one female officer who were present during this incident. The officer who first spoke to him was a plainclothes white male officer, approximately 5'10" or 5'11" tall, in his 30's, with no facial hair, and a "hoody" on. Police Officer Cassase is a § 87(2)(b)-old white male officer who is 5'11" tall, weighs 170 pounds, had no facial hair, and was in plainclothes on the incident date. The officer who told § 87(2)(b) "that's some typical man shit" was a plainclothes mixed white and Hispanic male officer, in his 30's, with a larger build than the first officer, a silver badge (that § 87(2)(b) was unable to read), a "big" and "chubby" face, and a "big head." Police Officer Haskovic is a § 87(2)(b)-old tan-skinned white male officer who is 5'11" tall, 220 pounds, has a bigger face and head than the other officers involved, and was in plainclothes on the incident date. § 87(2)(b) stated that the female officer was in plainclothes, approximately 5'5" to 5'6" tall, with a "chubby" build. § 87(2)(b) did not know whether she was Hispanic, black, or white, and could only describe her skin as tan or "Beyoncé skin color." Police Officer Montas is a Hispanic female officer who is 5'2" tall, 172 pounds, with tan skin, and was in plainclothes on the incident date. The officer who searched § 87(2)(b)'s vehicle was a plainclothes male officer who was "short" and

“stocky”. § 87(2)(b) only saw this officer briefly and was unable to describe him any further. Sergeant Maric is a white male officer who is 5’8” tall, 225 pounds, and who was in plainclothes on the incident date. § 87(2)(g)

Allegations not pleaded

- **Discourtesy:** In his original complaint at the stationhouse, § 87(2)(b) alleged that Police Officer Haskovic and Police Officer Montas stated, “that aint nothing new she fucks a whole lot of guys,” in regards to his friend. In his first telephone statement, § 87(2)(b) said that Police Officer Haskovic and Police Officer Montas said, “Who hasn’t she fucked?” However, in his verified statement and his follow-up telephone statement, § 87(2)(b) did not allege that Police Officer Haskovic and Montas used the word ‘fuck’ while making this statement. § 87(2)(g)

Allegation A –Abuse of Authority: Sergeant Miroslav Maric stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation B – Abuse of Authority: Sergeant Miroslav Maric searched the vehicle in which § 87(2)(b) was an occupant.

Allegation C – Abuse of Authority: Police Officer Anthony Cassase searched the vehicle in which § 87(2)(b) was an occupant.

Allegation D –Abuse of Authority: Sergeant Miroslav Maric frisked § 87(2)(b)

Allegation E –Abuse of Authority: Police Officer Anthony Cassase frisked § 87(2)(b)

Allegation F –Abuse of Authority: Sergeant Miroslav Maric searched § 87(2)(b)

Allegation G –Abuse of Authority: Police Officer Anthony Cassase searched § 87(2)(b)

Allegation H –Discourtesy: Police Officer Anthony Cassase spoke discourteously to § 87(2)(b)

Allegation I –Discourtesy: Police Officer Harris Haskovic spoke discourteously to § 87(2)(b)

Allegation J –Abuse of Authority: Police Officer Anthony Cassase refused to provide his name and shield number to § 87(2)(b)

Allegation K –Abuse of Authority: Police Officer Harris Haskovic refused to provide his name and shield number to § 87(2)(b)

Allegation L –Abuse of Authority: Police Officer Jeymi Montas refused to provide her name and shield number to § 87(2)(b)

This complaint was submitted in person at the 44th Precinct Stationhouse on March 16, 2017. It was received by IAB on March 17, 2017. It was received by the CCRB on March 22, 2017. § 87(2)(b) provided a telephone statement to the CCRB on March 24, 2017 (Board Review 05), and was interviewed at the CCRB on March 31, 2017. § 87(2)(b) provided a follow-up statement by telephone on April 21, 2017 (Board Review 06). Police Officer Haskovic was interviewed on

April 26, 2017. Police Officer Montas was interviewed on April 27, 2017. Police Officer Cassase was interviewed on May 2, 2017. Sergeant Maric was interviewed on May 3, 2017.

§ 87(2)(b)'s narrative is the only account of this incident. Sergeant Maric, Police Officer Cassase, Police Officer Haskovic, and Police Officer Montas uniformly did not recall a single detail regarding the incident aside from the brief details noted in their memo books, despite being interviewed six and seven weeks after the incident. They did not deny their respective presences at this incident, and their memo books clearly reflected that they were there.

As stated above, the officers' memo books reflected that they did stop § 87(2)(b)'s vehicle at 11:00 p.m. on March 15, 2017, in the vicinity of East 169th Street and the Grand Concourse (Board Review 07). Despite having matching memo book entries that acknowledged their collective presence at the incident location, near the incident time, with the vehicle § 87(2)(b) was driving, none of the officers could recall any information about the stop, even when they consulted their memo books. They did not recall where the stop took place in relationship to the intersection of East 169th Street and Grand Concourse. They did not recall any details about the vehicle they stopped, and they could not recall any information about the circumstances that led them to make their memo book entries. When Sergeant Maric was asked what took place, he replied, "I don't have any specific recollection of this." When Police Officer Haskovic was asked what happened, he replied, "Honestly I don't really recall the incident." When Police Officer Cassase was asked what happened, he replied, "I don't remember at all." When Police Officer Montas was asked what happened, she replied, "Nothing – I'm – car stop. I don't remember anything else." None of the officers recognized a photograph of § 87(2)(b) when presented with one. None of the officers could recall the incident or any of the allegations therein. None of the officers' memo book entries noted how long the stop lasted, but the following entry in all of their memo books was an hour-and-twenty-five minutes later.

After an individual exits a vehicle, if there is no "actual and specific" threat to the safety of the officer, or any further justification to search the vehicle, such a search is unlawful, People v. Hackett, A.D.3d. 1122; 850 N.Y.S.2d 676, 2008 (Board Review 08). Patrol Guide Section 212-11 states that a frisk is authorized when the member of service reasonably suspects the person is armed and dangerous, and may not be conducted to discover evidence or the proceeds or instrumentalities of a crime. Additionally, Patrol Guide Section 212-11 states that when a frisk reveals an object that an officer reasonably suspects may be a weapon, the officer may search only those interior portions of the stopped person's clothing to remove the weapon (Board Review 09). According to Patrol Guide 203-09, members of service must be courteous and respectful. Patrol Guide Section 203-09 states that an officer must provide his name and shield number when requested by a civilian (Board Review 10).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g) [Redacted]
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§ 87(2)(g) [Redacted]
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§ 87(4-b), § 87(2)(g) [Redacted]
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Squad 2

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date